S.B.CIVIL TRANSFER PETITION NO.14/2007

Smt. Manju.
vs.
Suresh Kumar.

DATE OF ORDER ::: 24.5.2007

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr.HP Rankawat, for the petitioner.

None present for the respondent.

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Heard learned counsel for the petitioner as nobody appeared on behalf of the respondent despite the fact that the respondent's notice was sent by registered post and the petitioner has submitted affidavit that the notice was sent to the correct address of the petitioner and AD has not reached back.

The petitioner, wife of the respondent, has already filed the present transfer petition for transferring the petition filed by the respondent under Section 9 of the Hindu Marriage Act and in the alternative under Section 13 having no.32/2006 and which is pending in the Court of Additional District Judge, Raisinghnagar.

The petitioner also filed a petition under Section 12/13 of the Hindu Marriage Act before District Judge,

Bikaner which is Case No.311/2006. The petitioner has also submitted a criminal complaint on 1.9.2006 in the Court of Judicial Magistrate, Bikaner, upon which the matter has been sent to the police station for investigation under Sections 498A, 406 and 323 IPC.

The petitioner submitted that she is a young lady and has levelled several allegations against the respondent. The petitioner, therefore, prayed that the petition filed by the respondent may be transferred.

Since this transfer petition has not been opposed and since both the petitions are to be decided by the same Court as per Section 21A of the Hindu Marriage Act and looking to the facts mentioned in the transfer petition, it is a fit case for transferring the petition filed by the respondent.

In view of the above, this transfer petition is allowed, the Petition No.32/2006 (Suresh Kumar vs. Smt. Manju) pending in the Court of Additional District Judge, Raisinghnagar is hereby withdrawn and is transferred to the Court of District Judge, Bikaner for deciding the same in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya